

Application No.: 09/438,295

Docket No.: 21737-00013-US

REMARKS

Claims 6, 7, 26-29, 31 and 32¹ are pending in the application.

Withdrawal of the double patenting rejection of claims 6, 7, 26-29, 31 and 32 as being unpatentable over claims 1-31 of U.S. Pat. No. 6,023,781 is requested. A terminal disclaimer is enclosed which is signed by the undersigned. Accordingly, withdrawal of the rejection is believed to be in order.

Withdrawal of the rejection of claim 32 under 35 U.S.C. § 103(a) as being unpatentable over Baldi (U.S. Pat. No. 5,761,222) in view of common practice in the art, is requested. Claim 32 is directed to a computer readable medium to store a program code. The program code causes a computer to write at least one code data encoded by a coding method to a semiconductor device. The semiconductor device has a plurality of multilevel memory cells, with each cell storing one of a plurality of levels representing multiple bits. Further, the computer readable medium includes the program code to disperse bits constituting the code data over the plurality of multilevel memory cells.

In reviewing the Baldi (U.S. Pat. No. 5,761,222) reference, there is, as noted in the Office Action, no computer readable means shown which is capable of storing a program code to write at least one code data coded by a coding method in the memory. As set forth in the specification, the coding method disburses bits constituting code data over the plurality of multi memory cells. The use of the coding method, to first encode and then store data bits is not disclosed in the cited reference. In fact, there does not appear to be any computer readable medium described which can provide the code data for storage in the multi memory cells.

The Office Action acknowledges the lack of any such disclosure in Baldi (U.S. Pat. No. 5,761,222), but, however, impermissibly concludes that such a program code stored on a computer readable medium would be obvious to one skilled in the art. Since the record does not

¹ Applicants agree to the reinstatement of claim 32 as set forth in the Final Rejection.

Application No.: 09/438,295

Docket No.: 21737-00013-US

In view of the foregoing favorable reconsideration is requested and an early allowance is solicited.

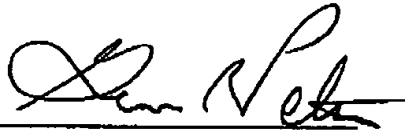
In view of the above amendment, applicant believes the pending application is in condition for allowance.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 22-0185, under Order No. 21737-00013-US from which the undersigned is authorized to draw.

Dated:

8/18/04

Respectfully submitted,



By
George R. Pettit, Reg. No. 27,369
CONNOLLY BOVE LODGE & HUTZ LLP
1990 M Street, N.W., Suite 800
Washington, DC 20036-3425
(202) 331-7111
(202) 293-6229 (Fax)
Attorney for Applicant